



PLANNING COMMISSION AGENDA

Monday, November 13, 2006

5:00 p.m. STUDY SESSION

Room # T-332

Discussion of Citywide Retail Strategy

6:30 p.m. General Plan / Regular Meeting
Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Dang T. Pham Bob Dhillon
Christopher Platten
Ash Kalra Matt Kamkar

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Monday, November 13, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

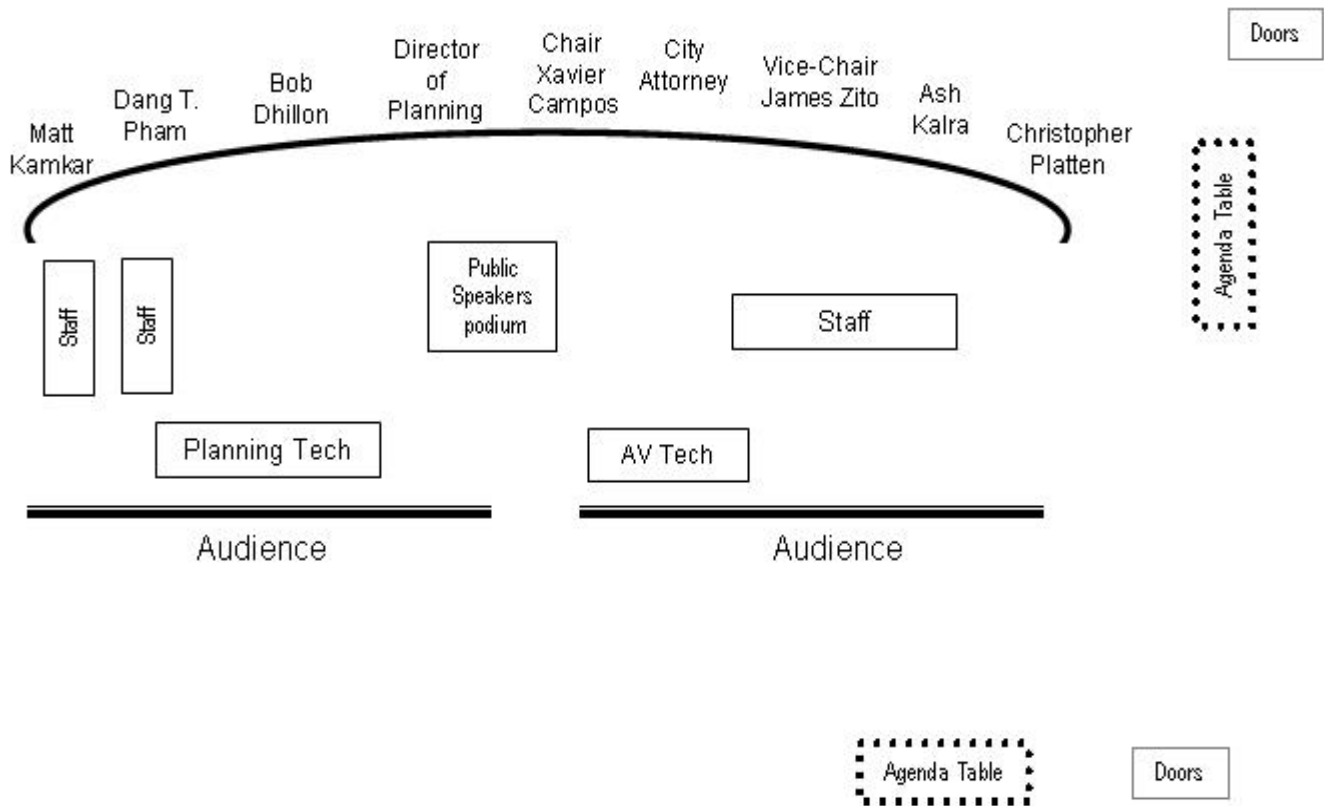
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **GP06-07-03**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.17-acre site on the southeast corner of Monterey Road and Umbarger Road (2724 Monterey Road and 50 Umbarger Road). (Raman and Ruximaniben Patel; Christine Backhouse and Francis Gladding, Owners/Pinn Bros., Applicant). Council District: 7 SNI: None. CEQA: Mitigated Negative Declaration.

WITHDRAWN BY APPLICANT

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

The following items are considered individually.

NONE

4. PUBLIC HEARINGS

NONE

5. CONTINUE PLANNING COMMISSION FALL 2006 HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

- a. **GP06-T-05:** GENERAL PLAN TEXT AMENDMENT request to make additions, revisions and clarifications to the Natural Resources, Water Resources and Level of Service goals and policies to clarify and strengthen the City's commitment to preservation and protection of water resources. Council District: Citywide. SNI: None. CEQA: Environmental Impact Report Resolution No. 65459.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan Text Amendment to make additions, revisions and clarifications to the Natural Resources, Water Resources and Level of Service goals and policies to clarify and strengthen the City's commitment to preservation and protection of water resources.

- b. **GP06-T-06:** GENERAL PLAN TEXT AMENDMENT request to amend the *San Jose 2020 General Plan* text to delete language allowing certain limited, interim outdoor recreational uses on public properties in the South Almaden Valley Urban Reserve. Council District: 10. SNI: None. CEQA: Environmental Impact Report Resolution No. 65459.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan Text Amendment to amend the *San Jose 2020 General Plan* text to delete language allowing certain limited, interim outdoor recreational uses on public properties in the South Almaden Valley Urban Reserve.

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **GP05-02-06:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designations on an approximately 4.75-acre site located at the east side of Monterey Highway, approximately 800 feet north west of Skyway Drive, from Very Low Density Residential (2 DU/AC) on 4.55 acres and General Commercial on 0.2 acres to Medium Low Density Residential (8 DU/AC) on 4.75 acres. (Monterey Town Center, LLC, Owner/Sabercat Holdings, LLC, Applicant). Council District: 2. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council denial of the proposed General Plan Amendment.

- b. **GP06-07-04:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to General Commercial on an approximately 3.6-acre site located on the east side of Senter Road, approximately 600 feet south of Wool Creek Drive (2222 and 2232 Senter Road). (Owner: E L S Properties Corporation/Applicant: Green Valley Corporation.) Council District: 7. SNI: Tully-Senter. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA.

Recommend to the City Council denial of the proposed General Plan Amendment.

- c. **GP06-04-02:** The following items pertain to a proposal on a 27.4-acre site located on several parcels on the southwest corner of East Brokaw Road and Old Oakland Road (1633 Old Oakland Road, and 1040, 1060, and 1080 East Brokaw Road). (Markovits and Fox, Inc., Owner/The Riding Group, Applicant). Council District: 4 SNI: None CEQA: Environmental Impact Report..

1. CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (E.I.R.) to change the Land Use/Transportation Diagram designation from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 du/ac) on 21.4 acres

Staff Recommendation:

Consider the EIR and certify it as complete and in compliance with CEQA.

2. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 du/ac) on 21.4 acres

Staff Recommendation:

Recommend to the City Council denial of a General Plan Amendment to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 du/ac) on 21.4 acres

- d. **GP06-04-04:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial on approximately 6.4 acres, High Density Residential (25-50 DU/AC) on approximately 7.2 acres, and Medium Density Residential (8-16 DU/AC) on approximately 0.9 acre to Medium High Density Residential (12-25 DU/AC) on approximately 14.5 acres and maintain the existing Neighborhood/Community Commercial on the remaining approximately 3 acres of the approximately 17.5-acre property located at the southeasterly corner of Berryessa Road and Jackson Avenue. (Owner: Pepper Lane-Berryessa, LLC/Applicant: Pulte Home Corporation). Council District: 4. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA.

Recommend to the City Council approval of a General Plan Amendment to Medium High Density Residential (12-25 DU/AC) on an approximately 14.5 acres and maintain the existing Neighborhood/Community Commercial on the remaining approximately 3 acres of the approximately 17.5-acre property.

- e. **GP06-03-01:** The following items pertain to a proposal on an approximately 24.8-acre site on the northeast corner of North King Road and Dobbin Drive (686 and 670 North King Road and 1745, 1855, 1875, and 1893 Dobbin Drive). (Various, Owners/San Jose Transit Village Partners, LLC., Applicant). Council District: 3. SNI: None. CEQA: Environmental Impact Report.

1. CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (E.I.R.) to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) with a Floating Park designation

Staff Recommendation:

Consider the EIR and certify it as complete and in compliance with CEQA.

2. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) with a Floating Park designation

Staff Recommendation:

Recommend to the City Council approval of a General Plan Amendment to Transit Corridor Residential (20+ DU/AC) with a Floating Park designation on an approximately 24.8-acre site

- f. **GP05-03-08:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial on one acre, and General Commercial on approximately 0.7 acres, to Core Area on 1.7 acres. The subject approximately 1.7-acre site is located at the easterly side of Stockton Avenue, approximately 300 feet northerly of West Santa Clara Street. (Moraga Rheem LLC, Owner/Applicant). Council District: 3. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA.

Recommend to the City Council approval of a General Plan Amendment to Core Area on 1.7 acres.

- g. **GP06-04-03:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay on approximately 36.3 acres to Combined Industrial/Commercial. The subject site is located at the southeasterly quadrant of Highway 237 and North First Street. (Owner: Palm Inc.; Applicant: Hunter/Storm LLC.). Council District: 4. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA.

Recommend to the City Council approval of staff alternative recommendation of Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at

the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way.

8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS OF FALL 2006 GENERAL PLAN AMENDMENTS FROM OCTOBER 25, NOVEMBER 8 AND 13

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Zito)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis

12. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
<i>Discussion of additional parkland and open space for the City (Joint session with Parks Commission)</i>			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
Mon. November 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 29	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers